

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Michael D. Laufer CONFIRMATION NO.: 3758  
SERIAL NO.: 10/735,349  
FILING DATE: 12/11/2003  
TITLE: Fat Removal and Nerve Protection Device and Method  
EXAMINER: Stephens, Jacqueline F.  
ART UNIT: 3761

---

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND OF FEES**

Dear Sir:

Applicant respectfully requests that the Patent and Trademark office issue a refund in the amount of \$540, payable to: **NIXON PEABODY, deposit account no. 50-3557**, which was paid in error. A Notice of Appeal fee was erroneously paid on February 14, 2011, in the amount of \$270 and an Appeal Brief fee was erroneously paid on April 13, 2011, in the amount of \$270.

Applicant believes the Notice of Appeal fee and the Appeal Brief fee were paid in error as they are duplicate payments. The Notice of Appeal fee was correctly paid on June 17, 2009 and the Appeal Brief fee was correctly paid on September 17, 2009. Paragraph 1 of the Office Action mailed on January 10, 2011 reiterates this statement.

Applicants previously filed a Notice of Appeal and Appeal Brief on June 17, 2009 and September 17, 2009, respectively, with appropriate fees. Subsequently, the issued an Office Action and prosecution was reopened.

Please contact Applicant's attorneys at the address, telephone or facsimile number below if there are any matters whose resolution can be expedited thereby.

Respectfully submitted,  
NIXON PEABODY LLP

Dated: April 19, 2011

/Khaled Shami  
Khaled Shami  
Reg. No. 38,745

NIXON PEABODY LLP  
P.O. Box 60610  
Palo Alto, CA 94306  
Tel.: (650) 320-7700  
Fax: (650) 320-7701